

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1988**

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In Re: MICHELE Z. DARBEAU,

Petitioner.

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On Petition for Writ of Mandamus  
(CA-04-467)

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Submitted: October 7, 2004

Decided: October 13, 2004

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Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Michele Z. Darbeau, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Michele Z. Darbeau petitions for writ of mandamus. She seeks an order directing the district court to perform its ministerial duties in relation to a civil action that was dismissed on July 8, 2004.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Darbeau is not available by way of mandamus. Accordingly, we deny the petition for writ of mandamus. We deny Darbeau's motion to consolidate. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED